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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/595,347	06/15/2000	Mooi Choo Chuah	50-18	1042

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EXAMINER

NGUYEN, PHUONGCHAU BA

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/595,347

Applicant(s)

CHUAH ET AL.

Examiner

Phuongchau Ba Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 36-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Rauhala (WO 98/47302).

-As claims 36, 45, 50, 53:

Rauhala (WO 98/47302) discloses an apparatus (fig.1) comprising packet equipment (switch 10, fig.1) configured to be responsive to a hand-off notification (radio connection between mobile and BTS1 weaken thus inherently indicating that mobile needs handoff—emphasis added, page 7, lines 16-17; abstract, lines 12-15) associated with an existing wireless data call (active call; abstract, lines 5-9; page 8, lines 15-17) associated with a point (BTS1) to point (BTS2) protocol by transmitting a message signal (signaling message SETUP, page 8, lines 1-2) to a packet server (BTS1), the message signal including a communication path set-up request (signaling message setup for connection establishment, page 8, line 2; abstract, , lines 12-15) and a continue call request (signaling message setup for connection establishment, page 8,

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line 2; abstract, , lines 12-15) for establishing, in accordance with a tunneling protocol (by tunneling the signaling message SETUP for connection establishment from BTS1 to BTS2; page 4, lines 25-26; page 8, lines 7-8), a communication path (connection 13) with the packet server (10) for the existing wireless data call (active call; abstract, lines 5-9; page 8, lines 15-17).

-As claim 37, Rauhala further discloses wherein the packet equipment is a network access server {page 7, lines 20-21}.

-As claim 38, Rauhala further discloses wherein the packet equipment is configured for receiving another message signal (response signaling; page 8, line 17) from the packet server (BTS2), the other message signal (signaling message SETUP; page 8, lines 1-2) being responsive to the communication path set-up request (signaling message setup for connection establishment, page 8, line 2; abstract, lines 12-15) and the continued call request (signaling message setup for connection establishment, page 8, line 2; abstract, , lines 12-15) {page 8, lines 17-18}.

-As claim 39, Rauhala further discloses wherein the packet equipment is configured for transmitting a second message signal to the packet server, the second message signal being responsive to the message signal received from the packet server {page 8, lines 19-21}.

-As claim 40:

Rauhala disclose an apparatus comprising packet equipment (switch 10, fig.1) configured to permit an existing wireless point (BTS1) to point (BTS2) protocol connection (13 for active call; abstract, lines 5-9; page 8, lines 15-17) with a first packet server (BTS1) to be transferred to a second packet server (BTS2), the packet equipment (switch 10) initiating the transfer in response to a hand-off notification (radio connection between mobile and BTS1 weaken thus inherently indicating that mobile needs handoff—emphasis added, page 7, lines 16-17) associated with the existing point-to-point protocol connection, the packet equipment (switch 10) being further configured for establishing a tunnel (12) to the second packet server (BTS2) to convey packets from a source (MS1) which previously conveyed packets over a tunnel (11) established between the first packet server (BTS1) and the packet equipment (10).

-As claim 41, Rauhala further discloses wherein the packet equipment is configured to be responsive to signaling received from the second packet server {page 8, lines 19-21}.

-As claim 42, Rauhala further discloses wherein the packet equipment is configured for transmitting signaling responsive to the signaling received from the second packet server {page 8, lines 19-21}.

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-As claim 43, Rauhala further discloses wherein the packets are encapsulated in another packet {page 8, lines 7-8}.

-As claim 44, Rauhala further discloses wherein the packet equipment (switch 10) is configured for transmitting a message signal to the second packet server, the message signal including a communication path set-up request and a continued call request for establishing a communication path (12) with the second packet server for the existing point-to-point protocol connection (13) {page 8, lines 4-7; page 7, lines 25-27}.

-As claim 46, Rauhala further discloses wherein the packet equipment associated with the first radius server (BTS1) is configured for receiving a message signal (tunnel-signaling message) from the packet equipment (switch 10) associated with the second radius server (BTS2){page 8, lines 4-7}, the message signal being responsive to the continue call request (handover, as when radio connection between mobile and BTS1 weaken thus inherently indicating that mobile needs handoff—emphasis added, page 7, lines 16-17).

-As claim 47, Rauhala further discloses wherein the packet equipment (switch 10) associated with the first radius server (BTS1) is configured for transmitting a second message signal (response-signaling message, page 8, lines 17-18) to the packet equipment (switch10) associated with the second radius server (BTS2), the second

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message signal being responsive to the message signal (tunnel-signaling message, page 8, lines 4-7) received from the packet equipment (switch 10) associated with the second radius server (BTS2).

-As claims 48-49:

Rauhala discloses an apparatus (fig.1) for transferring packet data comprising a packet server (switch 10) configured for maintaining a wireless point (BTS1) to point (BTS2) protocol connection (active call; abstract, lines 5-9; page 8, lines 15-17) established with a first packet server (BTS1, via 11), transmitting a message signal (signaling message SETUP, page 8, lines 1-2) which includes a continue connection request (handover request) to a second packet server (BTS2) in response to receipt of a hand-off notification (radio connection between mobile and BTS1 weaken thus inherently indicating that mobile needs handoff—emphasis added, page 7, lines 16-17), transmitting a message signal (release message; page 8, lines 25-28) to the first packet server (BTS1) which includes notification that the point-to-point protocol connection between the packet server (BTS1) and the first packet server (switch 10) is to be disconnected {page 8, lines 25-28}, and transferring the point-to-point protocol connection to the second packet server (BTS2), wherein point-to-point protocol connections between the servers (BTS1, BTS2) are established according to a tunneling protocol (page 8, lines 4-7, 28 to page 9, line 2).

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-As claim 51, Rauhala further comprises receiving another message signal (response signaling message, page 8, lines 17-18) from the second packet server {page 8, lines 17-18}, the other message signal (signaling message SETUP) being responsive to the communication path set-up request and the continued call request {page 8, lines 4-7}.

-AS claim 52, Rauhala further comprises transmitting a second message signal to the second packet server {page 8, lines 19-21}, the second message signal being responsive to the message signal (response-signaling message, page 8, lines 17-18) received from the second packet server.

-As claim 54, Rauhala further comprises receiving a message signal (response-signaling message, page 8, lines 17-18) from the second packet server (BTS2), the message signal being responsive to the continued call request signal {page 8, lines 4-7}.

-As claim 55, Rauhala further comprises transmitting a second signal to the second packet server (BTS2) {page 8, lines 19-21}, the second signal being responsive to the message signal (response-signaling message, page 8, lines 17-18) received from the second packet server (BTS2).

-As claim 56:

Rauhala discloses a method for use in a packet server comprising the steps of:

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receiving a hand-off notification (radio connection between MS and BTS1 weakens so much thus notifying for handover to BTS2) for a wireless call associated with a point (BTS1) to point (BTS2) protocol connection to a first packet server (BTS1) {page 7, lines 16-17};

directing a radius server (switch 10, when switch 10 connected to BTS1, the area, radius between switch 10 and BTS1, constitutes switch 10 as radius server for BTS1---emphasis added), operatively coupled to the packet server (BTS1), to transmit a message signal (signaling message SETUP) to another radius server (switch 10, when switch 10 connected to BTS2, the area, radius between switch 10 and BTS2, constitutes switch 10 as radius server for BTS2---emphasis added), operatively coupled to a second packet server (BTS2), the message signal including a continued call request for establishing a communication path, in accordance with a tunneling protocol (tunneling protocol; page 8, line 29-page 9, line 2), with the second packet server (BTS2) {page 8, lines 4-7}; and

completing the hand-off for the wireless call by subsequently transmitting packets to the second packet server such that the wireless call is not dropped {page 8, lines 25-28}.

Response to Arguments

3. Applicant's arguments filed 7-1-04 have been fully considered but they are not persuasive.

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a/. Applicant's representative argued that Rauhala does disclose maintaining a point-to-point protocol connection established in accordance with a tunneling protocol.

In reply, applicant is directed to figure 2, wherein a point (BTS1) to point (BTS2) connection (13) is established accordance with a tunneling protocol page 8, lines 15-17, 28-page 9, line 2). The connection 13 was established for connecting a point (BTS1) to point (BTS2) in accordance to a protocol tunneling (page 8, lines 15-17, 28 to page 9, line 2; fig.2).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is

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571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 2:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Phuongchau Ba Nguyen
Examiner
Art Unit 2665

DUCHO
PRIMARY EXAMINER


09-30-04